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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4006
INFO RUEHTA/AMEMBASSY ALMATY IMMEDIATE 0090
RUEHAK/AMEMBASSY ANKARA IMMEDIATE 0143
RUEHBJ/AMEMBASSY BEIJING IMMEDIATE 2171
RUEHRL/AMEMBASSY BERLIN IMMEDIATE 1046
RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 1235
RUEHLO/AMEMBASSY LONDON IMMEDIATE 0815
RUEHMO/AMEMBASSY MOSCOW IMMEDIATE 2123
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RUEHRB/AMEMBASSY RABAT IMMEDIATE 0364
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RUEHUNV/USMISSION UNVIE VIENNA IMMEDIATE 0080
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TAGS: [PTER](#) [KGIC](#) [KNNP](#) [MCAP](#) [PINR](#) [PINS](#) [PTER](#) [CA](#)
SUBJECT: CANADA'S TAKE ON GLOBAL INITIATIVE TO COMBAT
NUCLEAR TERRORISM KEY DOCUMENTS

REF: STATE 155988

¶1. (SBU) On October 4, Janice Fitchett (Senior Nuclear Non-Proliferation Advisor at Foreign Affairs) provided POL M/C with initial Canada's comments on the GI draft documents, which she said had been widely cleared through the Department. She confirmed that these comments were also being shared with the action officer at the Russian Embassy here in Ottawa. She noted the GoC's appreciation for being briefed and consulted at the early stages and expressed Canada's full support for the initiative. Her comments follow:

¶2. (SBU) General Points of Clarification:

--If the group is to make decisions, then it will be necessary to clarify the decision-making rules, e.g. consensus vs. voting. If not, then we recommend making this more explicit.

--The Statement refers only specifically to "nuclear materials" and does not appear to deal with "devices" or "nuclear devices" or their parts or components. Perhaps a broader wording should be considered to also encompass related equipment and technologies.

--There are several places in the document(s) that mention the enhancement of security at civilian nuclear facilities. If it is your intention to exclude military facilities, we would suggest that this be more explicit.

¶3. (SBU) Statement of Principles

--Principle two: It may be useful to clarify what is included in the definition of "nuclear facilities" i.e., we assume not only nuclear power facilities but also other facilities that handle such materials such as schools, labs, etc.

--Principle three: We believe this bullet should refer to "nuclear and other radioactive materials" rather than "nuclear materials and radiological substances."

--Principle four: We would suggest "material" be replaced with "nuclear and other radioactive materials." We would also question whether "establish safe control over unlawfully held material" is broad enough wording. (i.e., what if it is in

transit between persons, etc.) and does it adequately capture "used, disposed, altered, transferred" or should these be elaborated elsewhere such as under principle six?

--Principle five: It would appear that all the words "response, mitigate and investigate" in cases of terrorist attacks involving the use of materials are post-event, yet the explanatory notes seem to indicate that this bullet also would target pre-strike capabilities (to stop imminent terrorist attacks). Should other words like "prevent, deter, etc." be added? Also, should "prosecute" or "impose liability" be added since they also contemplate "just punishment" post-attack?

--Principle seven: Grateful for clarification of &other liability"

--Principle eight: Given the sensitivities of States with respect to the sharing of information on nuclear security activities, do you foresee agreements to enforce confidentiality among partner nations?

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14. (SBU) Explanatory Notes to the Statement of Principles:

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--We assume there is a typographical error in the first paragraph, line 12: date reference should read "December 2006 or January 2007."

--With respect to references to international conventions (e.g. the International Convention for the Suppression of Acts of Nuclear Terrorism), we would encourage the consistent use of the legal titles rather than abbreviations.

--Principles one and two: We note that the revised Convention on the Physical Protection for Nuclear Material and Facilities (CPPNM) specifically addresses sabotage and would like clarification on whether sabotage, as well as theft, is

considered as part of "unauthorized access." We also note that INCIRC 225, Revision 4, and the Safeguards Agreements are two key international documents related to accountancy, and suggest that you may wish to list these in the authorities.

--Principle six: We note that the standard for denying financial and economic resources to persons seeking to carry out terrorist attacks is "reasonable belief." This standard may not be sufficient depending on the mechanisms employed, e.g. it would not be sufficient for a criminal conviction. We also note that there is reference to nations maintaining a "capability to identify all suspicious activity related to terrorist efforts...." This should be reworded to reflect a standard that can more realistically be met - e.g. "...maintain a robust capability to identify all suspicious activity related to terrorist efforts..."

--Principle seven: With respect to the reference to "swift extraditions", we note that in Canada the length of extradition procedures is mostly determined by the courts and may not be "swift", given the legal protections afforded by our system. Therefore, we suggest alternate wording such as "expeditious extraditions pursuant to law."

--Principle eight: We believe that consistency with national law should encompass all of the information sharing, i.e. both the release and receipt of information. Therefore, we suggest that the phrase "consistent with their national laws" should be inserted at the beginning of the sentence: "Consistent with their national laws, promote information sharing pertaining ..."

15. (SBU) Terms of Reference:

--In the Canadian context "shall" means mandatory and is reserved for legally binding documents only. As the Statement of Principle does not use "shall", we would prefer that for the sake of consistency the Explanatory Notes also refrain from using "shall" and use the term "will" instead.

--We suggest leading with the second bullet ("working to improve capabilities to combat nuclear terrorism") and moving the first bullet to the bottom. We also suggest that the

bullet be revised to read "working to improve assistance to partner states where appropriate possible capability gaps"

--The fifth bullet talks about national reporting but needs some clarification. For example, to whom would reports be submitted and with what frequency? Would states be compiling some kind of year end report for the IAG? There should be something in the Terms of Reference or in the IAG function to talk about international reporting. It is critically important to have a political discussion, even in a general way, on an international basis by rolling up the national reporting to the international level. This approach has been very helpful in the G8, after the national reporting has been completed.

--We suggest revising the last bullet as follows: "Reviewing on a continuous basis and strengthening on a continuous basis on a continuous basis and strengthening on a continuous basis as necessary." This is to reflect the fact that if a review finds that national authorities to already be strong, there may be no need for further strengthening at that point.

16. (SBU) Implementation and Assessment Group (IAG)

--While membership of initial partner countries in the IAG seems automatic upon delivery of a diplomatic note, it is not clear how additional members might be integrated. Will IAG participation automatically broaden with new memberships? What process of admission to IAG is foreseen for potential members that are not initially enumerated? Could individual IAG representatives not also serve as points of contact?

--For point one under function of the IAG, we suggest alternate wording as follows: &IAG participants will take concrete steps as appropriate to assist other states8. This reflects that taking concrete steps to assist may not always be possible or feasible in every situation and measures will be dependent on acceptance of assistance by the receiving

state.

--Point four regarding participation needs further clarification as to who observes the training exercises and who actually does the exercises (i.e. observation of Global Initiative exercises by non-members of the initiative as opposed to members of the initiative observing exercises in other states).

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